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GOVERNMENT GAZETTE

BOLETIM OFICIAL

GOVERNMENT OF GOA, DAMAN AND DIU

Special Department

Notification

OSD/RRVS/39/66-Vol. IV

In pursuance of rule 32, read with rule 22 of the Goa, Daman and Diu Civil Service Rules, 1967, the Lt. Governor of Goa, Daman and Diu hereby makes the following regulations, namely:—

1. **Short title.**—These regulations may be called the Goa, Daman and Diu Civil Service (Probation, Training and Departmental Examination) Regulations, 1968.

2. **Definitions.**—In these regulations, unless the context otherwise requires:—

(a) «Board» means the Departmental Examination Board;

(b) «Cadre Post» means any post specified in schedule I to the Rules and any other post declared to be a duty post of the Service under clause (d) of rule 2 of the Rules;

(c) «Director of Training» means the officer appointed by the Central Government, or the Lt. Governor of Goa, Daman and Diu to be incharge of the training of probationers;

(d) «Probationer» for the purpose of these Regulations means a person appointed to the Service on probation by Direct Recruitment;

(e) «Schedule» means the Schedule appended to these regulations;

(f) «Service» means the Goa, Daman and Diu Civil Service;

(g) «the Rules» means the Goa, Daman and Diu Civil Service Rules, 1967.

3. **Training of probationers.**—Every probationer shall, on appointment to the Service, undergo training for such period as the Goa Government may prescribe.

4. **Departmental Examination.**—(1) Every probationer shall, be required to pass a departmental examination.

(2) The departmental examination shall be held twice a year, ordinarily in the months of January and July. The dates, time-table and place of examination shall be intimated by the Director of Training to the probationers who have to take the examination.

(3) The examination shall be in two parts, namely:—

(a) *Part I—Written Examination.*

The subjects for the examination and the maximum marks allotted to each of the subjects shall be as follows:—

Subjects	Maximum marks
1. Criminal Law and Procedure	100
2. Criminal Cases	100
3. Revenue Law and Procedure	100
4. Revenue Cases	100
5. General Administration	100
6. Planning and Development	100
7. Constitution of India and Civil Law	100
8. Treasury Rules and Financial Rules	100
9. Special Acts (Criminal) Manuals and Rules	100
10. Minor (Revenue) Acts, Manuals and Rules	100
11. Languages (Hindi and Marathi or Konkani or Gujarati) (including oral)	100

(b) *Part II—Qualifying Tests.*

Qualifying tests shall be held in the following subjects:—

- (i) Horse riding—if facilities are made available to learn: Saddling and bridling, mounting and dismounting, trotting, cantering, trotting with reins relaxed, trotting without stirrups, cantering without stirrups, jumping hurdles.

- (ii) Motor driving and mechanism: Motor driving including maintenance of motor vehicle and an elementary knowledge of their working.

(iii) Swimming.

- (iv) Musketry and target shooting: Handling and firing of the rifle and the revolver.

(4) The syllabus for part I of the examination shall be as specified in the Schedule.

(5) Every probationer shall be required to obtain a minimum of 50 marks in each subject to pass therein at the written examination under clause (a) of sub-regulation (3) and to pass the qualifying tests by such standards as the Goa Government may determine.

(6) The question papers shall be set, answer books examined and marks awarded by the examiners appointed by the Goa Government from time to time.

(7) There shall be a Board consisting of three persons who may be nominated by the Administrator from time to time.

The Board shall be in overall charge of the departmental examination.

(8) The Director of Training shall —

- (i) receive question papers from the examiners and cause them to be printed or cyclostyled;
- (ii) frame detailed «Instructions for Candidates» and superintend the written examination;
- (iii) conduct the oral examination;
- (iv) select passages in Hindi and Marathi or Gujarati or Konkani for the reading test;
- (v) select records required for the examination in Criminal and Revenue cases;
- (vi) transmit the answer books to the examiners;
- (vii) receive the answer books from the examiners after marks have been awarded;
- (viii) consider and submit to the Board the results of the departmental examinations with his recommendations; and
- (ix) generally conduct the entire correspondence and attend to such other matters relating to the departmental examination as have not been expressly allotted to any other authority.

(9) (i) The examiners shall send their awards of marks to the Director of Training who shall submit his report on the examination together with —

- (a) a statement of the marks awarded to each probationer in the oral test; and
- (b) a report of any matter, arising from the conduct of the examination, which he may consider necessary to be brought to the notice of the Board.

(ii) The Board shall thereupon consider the report and make recommendations as to which of the probationers may be declared to have passed the examination.

(10) As soon as possible after the meeting of the Board the Director of Training shall submit a copy of the proceedings of the meeting, duly authenticated by the Chairman of the Board, together with copies of all the relevant documents and a statement of the results of the examination as recommended by the Board, to the Goa Government.

(11) The Goa Government, after the receipt of the communication referred to in sub-regulation (10), shall approve the result of the examination and communicate the same to the probationers concerned.

5. Failure to pass the departmental examination. — Where a probationer fails to obtain the minimum of 50 marks in subject, the Goa Government may permit him to sit for re-examination in the subject or subjects in which he failed, or exempt him from appearing in such subject or subjects or discharge him from the service, or pass such other order as it may think fit.

6. Discharge of a probationer. — A probationer shall be liable to be discharged from the Service, or, as the case may be, reverted to the post on which he holds a lien.

(a) If he fails to pass the examination in any subject mentioned in clause (a) of sub-regulation (3) of regulation 4 in the circumstances mentioned in regulation 5;

(b) if the Government of Goa, Daman and Diu is satisfied that the probationer was ineligible or is considered unsuitable for being a member of the Service; or

(c) if he is found lacking in qualities of mind and character needed for the Service or in the constructive outlook and human sympathy needed in the public services generally.

7. Travelling Allowance. — A probationer shall in respect of a journey which he may be required to perform, be entitled to such travelling allowance as may be admissible to a member of the Service.

(i) On tour, if the journey is —

- (a) in connection with his training; or
- (b) for attendance at any examination during the period of probation; and

(ii) on transfer, if the journey is for proceeding to the station to which he is posted against cadre post after the departmental examination.

8. Interpretation. — If any question arises relating to the interpretation of these regulations, it shall be referred to the Government of Goa, Daman and Diu whose decision thereon shall be final.

THE SCHEDULE

Syllabus For Departmental Examination Of The Goa, Daman and Diu Civil Service Probationers

(Note: In this Schedule, references to any publication shall be construed as a reference to the latest edition of such publication. Where any rules/enactment mentioned in the Schedule are repealed and replaced by another set of rules/enactment the references to the repealed rules/enactment shall be construed as a reference to the set of rules/enactment by which they are repealed).

1. *Criminal Law and Procedure:*

- (i) The Indian Penal Code, 1860.
- (ii) The Indian Evidence Act, 1872.
- (iii) The Code of Criminal Procedure, 1898.

2. *Criminal Cases:*

The record of a contested case pertaining to an offence under the Indian Penal Code, 1860, or one of the Special Acts like the Arms Act, 1959, etc., triable ordinarily by a Magistrate of the 1st Class, will be supplied to the officers who will be required to frame charge/charges and write the judgement.

The record of any contested preventive proceedings under the code of Criminal Procedure, 1898, may also be given and the officer required to frame a Notice and write the preliminary order/Conditional Order and the Final Order.

3. *Revenue Law and Procedure:*

- (i) The Goa, Daman and Diu Land Tenancy Act, 1964 and rules framed thereunder.
- (ii) Daman (Abolition of Proprietorship of Villages) Regulation 1962.
- (iii) Law relating to Mundkars.
- (iv) Regulamento de Contribuição Predial.

4. *Revenue Cases:*5. *General Administration:*

- (i) Principles of Public Administration.
- (ii) System of Administration at the Centre and in the Union Territories.
- (iii) District Administration.
- (iv) The Central Civil Services (Conduct) Rules, 1955.
- (v) The Central Civil Services Classification, Control and Appeals) Rules, 1957.
- (vi) The Public Servants (Inquiries Act), 1850.
- (vii) The Representation of the Peoples Act, 1951.
- (viii) Goa, Daman and Diu Rules of Business, 1963.
- (ix) Goa, Daman and Diu Village Panchayat Regulation, 1962.
- (x) Provisions regarding the Municipalities and Acts and Rules framed thereunder.

N.B. — For the study of Principles of General Administration, the following books are recommended: —

1. Essentials of Public Administration — by E. N. Gladden.
2. Civil Service Today — by T. A. Critchley.
3. The Art of Administration — by A. L. Banks & G. A. Hishop.
4. Junior Collector's Hand Book — by Dr. Panna Lall.
5. District Administration in India, — by Dr. K. N. Y. Sastri.
6. Administration — its purpose and performance — by Orway Tead.
7. The Role of the Administrator — past, present and future — by A. D. Gorwala.
8. Report of a Survey — Public Administration in India — by Paul H. Appleby.
9. District Administration in India — by S. S. Khara, I. C. S.
10. Indian Administration — by A. K. Chanda.

6. *Planning and Development:*(a) *General:*

- (i) Concept of the Welfare State.
- (ii) Need for Planning First, Second and Third Five Year Plans with special reference to the Union Territory of Goa, Daman and Diu.
- (iii) Community Development and National Extension Services with special reference to the role of the Administrator.

(b) *Agriculture:*

- (i) Agricultural Extension Works; its importance, method and technique.
- (ii) Content of the Programme; Package Programme, Seed Saturation Programme.
- (iii) Use of fertilizers and manures.
- (iv) Green Manures.
- (v) Improved Implements.
- (vi) Improved Agricultural practices; Japanese method of paddy cultivation.
- (vii) Other important Programmes:
 - Horticulture.
 - Afforestation.
 - Kitchen Gardening.
 - Plant Protection Measures.
 - Soil conservation and reclamation.
 - Minor Irrigation Schemes.

(c) *Animal Husbandry:*

- (i) Cattle breeding schemes and development of goat, sheep etc., green fodders.
- (ii) Poultry development.
- (iii) Development of Fisheries.
- (iv) Important diseases — their prevention and cure.

(d) *Co-operation:*

- (i) History of Co-operative Movement and general principles of co-operation.
- (ii) Co-operative institutions, service co-operatives, co-operative farming and marketing.
- (iii) Problems of co-operation.

(e) *Public Health:*

- (i) Environmental Sanitation programme.
- (ii) Health problems and projects.
- (iii) Primary Health Centre and M. C. H. Centres.
- (iv) Family Planning.

(f) Rural and Small Scale Industries — their importance and bottlenecks.

(g) Craftsman Training Scheme.

(h) Labour Welfare and Labour Problems:

N.B. — A study of the following books is recommended: —

1. First Five Year Plan.
2. Second Five Year Plan.
3. Third Five Year Plan.
4. State & Government in Ancient India — by Dr. A. S. Altekar.
5. A Guide to Community Development.
6. Jawaharlal Nehru on Community Development.
7. Community Development Programme — Third Five Year Plan 1961.
8. Report of the Committee on Plan Projects (popularly known as Balwant Raj Mehta Committee Report). (No. 7 & 8, Publication Division of the Govt. of India).
9. Sahkari Samaj.
10. Farmers of India — Vols. I & II — by Dr. M. S. Randhawa I.C.S.
11. Discovery of India — by Shri J. L. Nehru.
12. Pilot Project — by Albert Myer.
13. The Maharashtra Cooperative Societies Act, 1960, as applied to Union Territory of Goa, Daman and Diu.
14. Report of the Committee on the Special Multipurpose Tribal Blocks (Elwing Committee's Report).
15. Report of the Study Team on Social Welfare and Welfare of Backward Classes (Renuka Ray Team Report).

7. *Constitution of India and Civil Law:*

- (i) The Constitution of India.
- (ii) The General Clauses Act.
- (iii) Personal Law (a) Hindu Law (b) Muslim Law.
- (iv) The Limitation Act, 1963.
- (v) The Transfer of Property Act, 1882.
- (vi) The Specific Relief Act, 1963.
- (vii) The Societies Registration Act, 1860.
- (viii) The Indian Contract Act, 1872.

8. *Treasury Rules and Financial Rules:*

- (i) Compilation of General Financial Rules, 1963.
- (ii) Central Government Treasury Rules Vols. I & II.
- (iii) Civil Service Regulations Vols. I & II.
- (iv) Fundamental Rules and Supplementary Rules, Vols. I & II.
- (v) The Central Civil Services (Revised Leave) Rules, 1963.
- (vi) The Provident Fund Act, 1925 and the General Provident Fund (Central Services) Rules, 1960.
- (vii) Compilation of the (Delegation) of Financial Powers Rules, 1958.
- (viii) Central Public Works Department Code.

9. *Special Acts (Criminal), Manuals and Rules:*

(a) Acts:

- (i) The Arms Act, 1959.
- (ii) The Motor Vehicles Act, 1939.
- (iii) The Public Gambling Act, 1867.
- (iv) The Police Act, 1961.
- (v) The Prevention of Corruption Act, 1947.
- (vi) The Prevention of Food Adulteration Act, 1954.
- (vii) The Preventive Detention Act, 1950.
- (viii) The Factories Act, 1948.
- (ix) The Defence of India Act, 1962.
- (x) The Indian Extradition Act, 1903.
- (xi) The Probation of Offenders Act, 1958.
- (xii) The Bengal Suppression of Immoral Traffic Act, 1933 (as extended to the Union Territory of Delhi).
- (xiii) The Indian Forest Act, 1927.

(b) Manuals and Rules:

- (i) The Defence of India Rules, 1962.
- (ii) The Arms Rules, 1962.
- (iii) Madras District Police Act, 1859 (as extended to this Territory).

10. *Minor (Revenue) Acts and Manuals:*

(a) Acts:

- (i) The Indian Stamp Act, 1899.
- (ii) The Court Fees Act, 1890 (Regulamento de Mazanias das Devaladas do Estado da India).
- (iii) The Goa, Daman and Diu Excise Duty Act, 1964.
- (iv) The Goa, Daman and Diu Entertainment Tax Act, 1964.
- (v) The Goa, Daman and Diu Sales Tax Act, 1964.
- (vi) The Indian Registration Act, 1908.
- (vii) The Land Improvement Loans Act, 1883.
- (viii) The Agriculturists Loans Act, 1884.

11. *Languages (Hindi and Marathi or Konkani or Gujarati) (including oral):*

(a) Hand-written and typed court records and revenue records will be supplied to the officers who will be required to read them out in the presence of the examiner.

(b) Officers will be given a suitable passage in English for translation into Hindi as well as Marathi or Konkani or Gujarati.

(c) Officers who have passed High School or equivalent examination in any of the two languages as a compulsory subject shall be exempted from appearing in the paper relating to that language.

By order and in the name of the Administrator of Goa, Daman and Diu.

D. V. Sawant, Deputy Secretary (Appointments).
Panaji, 19th September, 1968.

Notification

OSD/RRVS/46/67

In exercise of the powers conferred by the proviso to article 309 of the Constitution, read with the Government of India, Ministry of External Affairs letter no. F.7(11)/62-Goa dated the 25th July 1965, the Administrator of Goa, Daman and Diu is pleased to make the following rules relating to the Class III post of Horticultural Assistant in the Office of the Lieutenant Governor under the Government of Goa, Daman and Diu.

1. **Short title.**— These rules may be called Goa Government, Office of the Lieutenant Governor, Horticultural Assistant non-ministerial non-gazetted post Recruitment Rules, 1968.

2. **Application.**— These rules shall apply to the posts specified in column 1 of the Schedule to these rules.

3. **Number, classification and scale of pay.**— The number of posts, classification of the said posts and the scales of pay attached thereto shall be as specified in columns 2 to 4 of the said Schedule.

4. **Method of recruitment, age limit and other qualifications.**— The method of recruitment to the said posts, age limit, qualifications and other matters connected therewith shall be as specified in columns 5 to 13 of the aforesaid Schedule.

Provided that,

(a) the maximum age limit specified in the Schedule in respect of direct recruitment may be relaxed in the case of candidates belonging to the Scheduled Castes and Scheduled Tribes and other special categories in accordance with the orders issued by the Government from time to time; and

(b) no male candidate, who has more than one wife living and no female candidate, who has married a person having already a wife living, shall be eligible for appointment, unless the Government, after having been satisfied that there are special grounds for doing so, exempts any such candidate from the operation of this rule.

5. These rules will come into effect from the date of the Notification and will relate to appointments to the various posts made on or after this date.

G. K. Bhanot
Chief Secretary

Panaji, 21st August, 1968.

SCHEDULE

Name of the post	No. of posts	Classification	Scale of Pay	Whether Selection Post or non-Selection Post	Age for direct recruits	Educational and other qualifications required for direct recruits	Whether age and educational qualifications prescribed for the direct recruitments will apply in the case of promotees	Period of probation, if any	Method of recruitment whether by direct recruitment or by promotion or by deputation/transfer, and percentage of the vacancies to be filled by various methods	In case of recruitment by promotion/deputation/transfer, grades from which promotion/deputation/transfer to be made	If a DPC exists, what is its composition in making recruitment	Circumstances in which U. P. S. C. is to be consulted
1	2	3	4	5	6	7	8	9	10	11	12	13
Horticultural Assistant	One	Class III non-gazetted non-ministerial	Rs. 168-8-266-EB-8-280-10-300.	Selection	N. A.	N. A.	N. A.	Two years	By promotion or by Transfer.	Promotion: Agricultural Assistant from the III. Agriculture Department, Govt. of Goa, Daman and Diu with 3 years service in the grade. Transfer: Agricultural Demonstrators from the Agriculture Department, Govt. of Goa, Daman and Diu.	As required under the rules.	

Revenue Department

Notification

RD/TNC/RLS/296/68

The following amendment to the Goa, Daman and Diu Agricultural Tenancy Rules, 1965 which was pre-published vide Government Notification No. RD/TNC/RLS/296/68, dated 1st August, 1968, published in the Government Gazette No. 19, Series I, dated 8th August, 1968, is hereby finally published as under: —

«In exercise of the powers conferred by section 61 read with the proviso to sub-section (3) and (3A) of section 26 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964, the Government hereby makes the following amendment to the Goa, Daman and Diu Agricultural Tenancy Rules, 1965, the same having been previously published.

1. This may be called the Goa, Daman and Diu Agricultural Tenancy (Fifth Amendment) Rules, 1968.

2. After Rule 12 of the Goa, Daman and Diu Agricultural Tenancy Rules, 1965, the following rule shall be inserted, namely: —

«12A. *The conditions and the manner in which contributions towards the cost of repairs to bunds shall be made by Government.* — (1) The contribution towards the cost of repairs to breaches in the bunds protecting a khazan or ker land, payable under the proviso to sub-section (3) of section 26 may be paid by the Government if the following conditions are satisfied:

- The bund protecting the khazan or ker land is notified by Government under the proviso to sub-section (3) of section 26 as a protective bund;
- The total cost of repairs when distributed over the lands protected by the bund does not exceed Rs. 625/- per hectare;
- The Executive Engineer (Soil Conservation) Public Works Department certifies that the repairs have been carried out satisfactorily;
- The Executive Engineer, (Soil Conservation) Public Works Department certifies the cost of repairs.

2) For the purpose of getting the contribution from the Government towards the cost of repairs to breaches in the bund under the proviso to sub-section (3) of section 26, the person, group of persons or Cooperative Society, which has undertaken the work of repairs to breaches in the bund, shall submit an application to the Mamlatdar stating therein:

- the name and address of the applicants;
- the name, if any, and the location of the bund;
- the total area of the lands benefited by the bund;
- the names and addresses of the persons, if any, other than the applicants, who have contributed to the cost of repairs to breaches in the bund;

- v) the total length of the bund which was repaired;
- vi) the date on which the work of repairs was commenced and the date on which it was completed;
- vii) brief description of the work done and the materials, if any, used for the repairs;
- viii) the name and address of the contractor, if any, who did the work of repairs and the total amount paid to him;
- ix) the total cost of repairs to breaches in the bund;
- x) the cost per hectare of the land benefited by the work of repairs.

3) The application under sub-rule (2) should be accompanied by the following documents:

- i) A Certificate from the Executive Engineer (Soil Conservation), Public Works Department certifying the cost of repairs, and
- ii) A Certificate from the Executive Engineer (Soil Conservation), Public Works Department certifying that the work of repairs has been done satisfactorily.

4) On receipt of the application, the Mamlatdar shall issue a public notice in form X-A and invite the person (s) interested in the bund or the lands benefited by the repairs to the bund, to submit to him within thirty days from the date of publication of the public notice, objections if any, to the payment by Government under the proviso to sub-section (3) of section 26, of a part of the cost of the repairs to breaches in the bund, to the applicants.

5) The public notice shall be published on the notice boards in the offices of the Mamlatdar and the Village Panchayat concerned and also affixed at a prominent place on the bund or the lands benefited by the bund.

6) After the expiry of the period of thirty days, referred to in sub-rule (5), the Mamlatdar shall consider the objections, if any, received by him and after holding such enquiry as he deems necessary, certify —

- i) the person (s) or Cooperative Society which has/have undertaken the work of repairs to breaches in the bund;
- ii) the total cost of repairs;
- iii) the amount of contribution towards the cost of repairs which is payable by Government under the proviso to sub-section (3) of section 26;
- iv) the names and addresses of persons to whom the payment is to be made;

and send the proceedings along with the certificate to the Executive Engineer (Soil Conservation), Public Works Department for making payment of the contribution by Government.

7) On receipt of the proceedings and the certificate, the Executive Engineer (Soil Conservation) shall arrange to pay the amount of the contribution to the recipients mentioned in the certificate.

8) Where the work of repairs to breaches in a bund is entrusted by the Mamlatdar under sub-section (3A) of section 26 to the Public Works Department of the Government, the Executive Engineer (Soil Conservation) shall, after the work is completed, send to the Mamlatdar a certificate giving therein—

- i) the name, if any, and the location of the bund;
- ii) the particulars of the lands benefited by the bund;
- iii) the total cost of repairs to breaches in the bund; and
- iv) such other information as he deems necessary.

9) On receipt of a certificate, the Mamlatdar shall decide the total amount of contribution payable by Government under the proviso to sub-section (3) of section 26 and the balance amount of cost of repairs of breaches in bund, which is payable by the persons benefited by the work of repairs, to the Public Works Department.

10) The balance amount of cost of repairs determined under sub-rule (9) shall be distributed by the Mamlatdar over all the lands benefited by the repairs to breaches in the bund, in proportion to the area of land held in actual possession by each person, whether as owner or tenant. The amount so distributed on a land shall be payable as follows:—

- a) where the land is in actual possession of a landowner, the entire amount payable in respect of the land shall be payable by the landowner;
- b) where the land is in actual possession of a tenant, the tenant shall be liable to pay five-sixths of the amount payable in respect of the land and the landlord shall be liable to pay the balance amount of one-sixth.

11) The amount payable by a landowner, landlord or tenant shall be recovered by the Mamlatdar in ten equal or nearly equal annual instalments. The first instalment shall be paid before the 31st December of the year in which crops are raised for the first time after the completion of the work of repairs. The subsequent instalments shall be recovered before the 31st December of the year following.

12) Interest at the rate of six per cent per annum shall be payable on the instalments paid after the period specified in sub-rule (11).

FORM X-A

[See Rule 12A(3)]

Public Notice

Whereas the person (s)/Cooperative Society mentioned below has/have submitted to me an application under sub-rule (2) of Rule 12-A of the Goa, Daman and Diu Agricultural Tenancy Rules, 1965, for the purpose of getting from the Government under the proviso to sub-section (3) of section 26 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964, the contribution towards the cost of repairs to breaches in the bunds specified in the schedule hereto:

(here specify the names of the applicants)

And whereas it has been stated by them in the said application that the total cost of repairs to the aforesaid bund which was undertaken by them during the period from

to was Rs. and that the same has been paid for by the applicants and the following persons:

(here specify the names of persons other than the applicants who have paid towards the cost of repairs).

Now, therefore, I, Mamlatdar of hereby call upon all persons who are interested in the said bund and the lands benefited by the said repairs to the bund to inform me in writing before whether they have any objection to the Government making any payment to applicants of the contribution which the Government may decide to pay under the proviso to sub-section (3) of section 26 of the said Act.

SCHEDULE

Name of the bund	Names of the fields benefited by the repairs to the bund.
.....

Place:

Date: Mamlatdar of

By order and in the name of the Administrator of Goa, Daman and Diu.

W. G. Ranadive, Secretary (Revenue).

Panaji, 25th September, 1968.

3 Asvina, Saka, 1890.

Law and Judicial Department

Notification

LD/N/1-43-68

The Public Premises (Eviction of Unauthorised Occupants) Amendment Act, 1968, as promulgated by President of India is hereby reproduced below for general information of the Public.

V. R. Vaze, Under Secretary.

Panaji, 27th September, 1968.

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 17th August, 1968/Sravana
26, 1890 (Saka)

The following Act of Parliament received the assent of the President on the 16th August, 1968, and is hereby published for general information:—

The Public Premises (Eviction of Unauthorised Occupants) Amendment Act, 1968

No. 32 of 1968

[16th August, 1968]

AN

ACT

further to amend the Public Premises (Eviction of Unauthorised Occupants) Act, 1958.

Be it enacted by Parliament in the Nineteenth Year of the Republic of India as follows:—

1. Short title. — This Act may be called the Public

Premises (Eviction of Unauthorised Occupants) Amendment Act, 1968.

2. Amendment of section 2. — In section 2 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1958 32 of 1958. (hereinafter referred to as the principal Act), for clause (b), the following clause shall be substituted, namely:—

“(b) “public premises” means any premises belonging to, or taken on lease or requisitioned by, or on behalf of, the Central Government; and includes—

(1) any premises belonging to, or taken on lease by, or on behalf of—

(i) any company as defined in section 3 of the Companies Act, 1956, in which not less than fifty-one per cent. of the paid-up share capital is held by the Central Government; and 1 of 1956.

(ii) any Corporation (not being a company as defined in section 3 of the Companies Act, 1956, or a local authority) established by or under a Central Act and owned or controlled by the Central Government; and 1 of 1956.

(2) in relation to the Union territory of Delhi—

(i) any premises belonging to the Municipal Corporation of Delhi or any municipal committee or notified area committee, and

(ii) any premises belonging to the Delhi Development Authority, whether such premises are in the possession of, or leased out by, the said Authority;’

3. Amendment of section 3. — In section 3 of the principal Act, in clause (a), for the words, brackets, letter and figure “or officers of equivalent rank of the Corporation or any Committee or the authority referred to in clause (b) of section 2”, the following shall be substituted, namely:—

“or officers of equivalent rank of any company or Corporation referred to in paragraph (1), or of the Corporation or any Committee or the authority referred to in paragraph (2), of clause (b) of section 2”.

4. Insertion of new section 10E. — After section 10D of the principal Act, the following section shall be inserted, namely:—

“10E. Bar of jurisdiction. — No civil court shall have jurisdiction to entertain any suit or proceeding in respect of the eviction of any person who is in unauthorised occupation of any public premises or the recovery of the arrears of rent payable under sub-section (1) of section 7 or the damages payable under sub-section (2) of that section or costs awarded to the Central Government under sub-section (4A) of section 9 or any portion of such rent, damages or costs”.

5. **Repeal and saving.** — (1) The Public Premises (Eviction of Unauthorised Occupants) Amendment Ordinance, 1968, is hereby repealed. 5 of 1968.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to

have been done or taken under the principal Act as amended by this Act as if this Act had come into force on the 17th day of June, 1968.

V. N. BHATIA,
Secy to the Govt. of India.